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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JTRE MANHATTAN AVENUE LLC and JTRE	:
807 MANHATTAN AVENUE LLC,	:
	:
Plaintiffs,	:
-against-	:
	:
CAPITAL ONE, N.A.,	:
	:
Defendant.	:
-----X	

21-CV-5714 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on August 12, 2021, Defendants filed a motion to dismiss (Dkt. 23);

WHEREAS the Court ordered that not later than September 2, 2021, Plaintiffs must either respond in opposition to the motion to dismiss or file a Second Amended Complaint (Dkt. 10); and


WHEREAS on September 2, 2021, Plaintiffs filed a Second Amended Complaint (Dkt. 26);

IT IS HEREBY ORDERED that Defendant's motion to dismiss is DENIED as moot. Not later than **September 23, 2021**, Defendant must either file an answer to the Second Amended Complaint or move to dismiss the Second Amended Complaint.

The Clerk of Court is respectfully directed to terminate the open motion on Dkt. 23.

SO ORDERED.

Date: September 3, 2021
New York, New York



VALERIE CAPRONI
United States District Judge